

REMARKS

Claims 26-43 are presently pending in the case.

Claim rejections under judicially created doctrine of Double Patenting

The Examiner rejected claims 26-43 under the judicially created doctrine of double patenting as being unpatentable over the claims of U.S. Patent 6,685,967 and U.S. Patent 6,582,728. [Note that the Examiner stated that claims 1-17 are rejected by the first listed patent. Applicant assumes the Examiner intended to reject the presently pending claims instead of those that were previously cancelled and requests that the Examiner positively affirm this assumption. Otherwise, Applicant requests that the remarks herein related to the first listed patent be disregarded.]

To expedite prosecution of the present case, Applicant submits herewith a terminal disclaimer in compliance with 37 CFR 1.321(c) in accordance with the Examiner's suggestion. It is requested that the double patenting rejection be removed in view of this disclaimer.

The Examiner also provisionally rejected claims 31-34 and 39-43 under the judicially created doctrine of double patenting as being unpatentable over the claims of pending US Patent Application 10/141,044. Since the present case is otherwise in condition for allowance, the present case should be allowed to issue and the double patenting issue should be taken up in the pending application.

Information Disclosure Statement

Applicant is filed herewith an information disclosure statement. Indication of consideration of the references cited is requested. In addition, Applicant has previously filed other information disclosure statements (see response of April 25, 2005) and requests that the Examiner indicate consideration of the references cited in those statements.

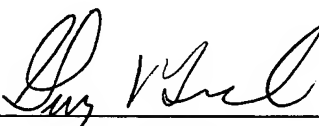
Conclusion

The Examiner is respectfully requested to consider the presently pending claims. Should the Examiner have any questions, the Examiner is requested to call the undersigned at the number given below.

Respectfully submitted,

NEKTAR THERAPEUTICS
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